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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,913	07/16/2003	Paolo Targetti	741014.1017	2821

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EXAMINER

NEGRON, ISMAEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,913

Applicant(s)

TARGETTI, PAOLO

Examiner

Ismael Negron

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's preliminary amendment filed on July 16, 2003 has been entered. Claims 1-5 have been amended. No claim has been cancelled, or added. Claims 1-5 are still pending in this application, with claim 1 being independent.

Title

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Polymeric Anti-Dazzle Raster for Tubular Light Sources.**

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it repeats information given in the title. Correction is required. See MPEP § 608.01(b).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3d" has been used to designate both "*outside faces*" (paragraph 0014, line 6) and "*side faces*" (paragraph 0014, line 8). Also, note the following:

- reference character "2", used to designate "*modular element*" (paragraph 0013, line 5) and "*modules*" (paragraph 0015, line 6);
and
- reference character "3", used to designate "*parallel transverse partitions*" (paragraph 0013, lines 5 and 6) and "*terminal partition*" (paragraph 0016, line 4).

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over FISHMAN (U.S. Pat. 6,402,345).

FISHMAN discloses a louver assembly having:

- **a plurality of side pieces (as recited in Claim 1), Figure 1, reference number 14;**
- **the side pieces being made of a generally rigid material (as recited in Claim 1), inherent;**
- **a plurality of transverse partitions (as recited in Claim 1), Figure 1, reference numbers 26 and 28;**

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- **the partitions extending between the side pieces (as recited in Claim 1), as seen in Figure 1;**
- **the partitions being grouped in modular units (as recited in Claim 1), as seen in Figure 1;**
- **each unit having a selected number of partitions (as recited in Claim 1), inherent;**
- **a connection bar (as recited in Claim 1), Figure 1, reference number 30;**
- **the selected number of partitions being connected to one another by the connection bar (as recited in Claim 1), column 2, lines 58-61;**
- **the unit being joined by snap-fit engagement to the side pieces (as recited in Claim 1), column 3, lines 3-10;**
- **the partitions being made of a polymeric material (as recited in Claim 1), column 3, lines 52-55;**
- **the partitions including teeth (as recited in Claim 3), Figure 3, reference numbers 70 and 72;**
- **the teeth extending from the partitions in a generally lateral direction (as recited in Claim 3), as seen in Figure 3;**
- **the side pieces including seatings (as recited in Claim 2), column 3, lines 8-10;**

- **the lateral direction being suitable for snap-fit engagement with corresponding seatings (as recited in Claim 3), as evidenced by column 3, lines 3-10.**

FISHMAN discloses all the limitations of the claims, except the partitions being injection molded (as recited in Claim 1), or a plurality of relatively parallel connection bars (as recited in Claim 1).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to injection mold the polymeric partitions of FISHMAN since such limitation refers only to the method of making the claimed partitions, failing to further limit the structure of such partitions. It appears that the claimed invention would perform equally well with the patented partition of FISHMAN, since the applicant has not disclosed that injection-molded partitions solves any un-expected problem or is for a particular reason. In addition, the Examiner takes Official Notice of the old and well known in the art status of injection molding as a manufacturing process for polymeric elements.

Regarding having a plurality of relatively parallel connection bars instead of the single connection bar disclosed by FISHMAN, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include more than just one connection bar, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In this case FISHMAN discloses a louver structure for a lamp 10 having two fluorescent tubes. Adapting the invention of FISHMAN for use in illumination devices

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having 3 or more fluorescent tubes would have required more than one central reflector 30 (as evidenced by column 3, lines 13-26), such necessary modifications flowing naturally to one of ordinary skill in the art.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over FISHMAN (U.S. Pat. 6,402,345) in view of MORGAN (U.S. Pat. 6,443,598).

FISHMAN discloses or suggests all the limitations of the claims, except the partitions having a substantially V-shaped section and a plurality of relatively symmetrical shoulders extending from an upper edge, the connecting bars being affixed to the outside faces of such shoulders (as recited in Claim 2).

MORGAN discloses a louver assembly having:

- **a plurality of side pieces (as recited in Claim 1),** Figure 2, reference number 6;
- **the side pieces being made of a generally rigid material (as recited in Claim 1),** inherent;
- **a plurality of transverse partitions (as recited in Claim 1),** Figure 1, reference number 10;
- **the partitions extending between the side pieces (as recited in Claim 1),** as seen in Figure 2;
- **the partitions being grouped in modular units (as recited in Claim 1),** as seen in Figure 1;

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- **each unit having a selected number of partitions (as recited in Claim 1), inherent;**
- **the partitions being joined by snap-fit engagement to the side pieces (as recited in Claim 1), as seen in Figure 2;**
- **the partitions being injection molded of a polymeric material (as recited in Claim 1), column 4, lines 14-18;**
- **the partitions having a substantially V-shaped section (as recited in Claim 2), as seen in Figure 1; and**
- **the partitions including a plurality of relatively symmetrical shoulders extending from an upper edge (as recited in Claim 2), as seen in Figure 3.**

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the partitions of MORGAN in the structure of FISHMAN to increase the illumination efficiency of the lamp structure while removing un-wanted glare, as per the teachings of MORGAN (see column 1, lines 11-15).

Relevant Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kirlin (U.S. Pat. 2,299,276), **Taylor** (U.S. Pat. 2,429,141), **Sameral** (U.S. Pat. 2,537,398), **Schierwagen et al.** (U.S. Pat. 4,268,897), **Degelmann** (U.S. Pat.

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5,528,478), **Holten et al.** (U.S. Pat. 4,944,411) and **Bartenbach** (U.S. Pat. 6,582,099) disclose various louver structures for fluorescent lamps, such structures including a plurality of partitions extending between two side members, to which the partitions are attached. Some include connecting bars.

Allowable Subject Matter

9. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a louver assembly including a plurality of injection molded partitions, such partitions being snap-fitted to and extending between a plurality of side pieces. The partitions are grouped into modular units, such units including a selected number of partitions connected to one another by a plurality of relatively parallel connecting bars. The bars project beyond the partition ends a distance equal to about one half of the distance between two adjacent partitions.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically bars projecting beyond the partition ends a distance equal to about one half of the distance between two adjacent partitions, in combination with the claimed structure.


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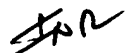
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


JOHN ANTHONY WARD
PRIMARY EXAMINER


Inr

October 19, 2004